

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2004/007776
International Filing Date : 14 July 2004 (14.07.2004)
Priority Date(s) Claimed : 04 August 2003 (04.08.2003)
Applicant(s) (DO/EO/US) : Jean-Jacques ZEILLER, et al.

Title: BUTENOIC ACID DERIVATIVES, PROCESSES FOR THE PREPARATION THEREOF, PHARMACEUTICAL COMPOSITIONS COMPRISING THEM, AND USE FOR THE TREATMENT OF DYSLIPIDAEMIA, ATHEROSCLEROSIS AND DIABETES

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☒ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☐ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- a final rejection under 37 C.F.R. 1.113;
 - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
 - a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
 - ☐ a final action under 37 C.F.R. § 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
 - ☐ OR a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☒ Copies of materials listed but not attached were cited in an international search report dated December 29, 2004.
- ☐ Not required by 37 CFR § 1.98.
- ☐ Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

- ☒ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- ☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
- X = document of particular relevance when it is taken alone
Y = document of particular relevance when it is combined with another such document
A = document defining the general state of the art
O = non-written disclosure
P = intercalated document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
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- ☐ Translation of other relevant information on foreign search report

Other Information

Payment of Fees Due (If Any):

- ☐ A check for \$_____ covering the fee identified above is attached.
- ☐ Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



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Attorney Docket No.: MERCK-3129

Date: February 2, 2006

AJZ:ssr

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	USNP OF PCT/EP2004/007776
				Filing Date	14 July 2004 (14.07.2004)
				First Named Inventor	Jean-Jacques ZEILLER, et al.
				Group Art Unit	unknown
				Examiner Name	unknown
				Attorney Docket Number	MERCK-3129
Sheet	2	of	2		

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	003	DATABASE CA 'ONLINE! CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; KATSUDA, YOSHIO ET AL: "INSECTICIDES" XP002274456 retrieved from STN Database accession no. 88:46409 abstract		
	004	DATABASE CA 'ONLINE! CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; SUPNIEWSKI, J. ET AL: "p-(DIETHYLAMINO) ETHOXYIPHENYL-P-TOLYL-P-FLUOROPHENYLETHANOL" XP002274457, Retrieved from STN Database accession no. 59:41367 abstract		
	005	LIN LI HE: "ENANTIOSELECTIVE SYNTHESIS OF A NOVEL TRANS DOUBLE BOND CERAMIDE ANALOGUE VIA CATALYTIC ASYMETRIC DIHYDROXYLATION OF AN ENYNE" J.A.C.S., no. 121, 1999, pages 3897-3903, XP002274453		
	006	MARIKO ASO: "SUCCESSIVE MICHAEL REACTION-SIGMATROPIC REARRANGEMENT OF POLYQUINONES WITH SILYL KETENE ACETALS" J.O.C., vol. 54, no. 23, 1989, pages 5597-5603, XP002274454		
	007	DATABASE CA 'ONLINE: CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; SAVARD JACQUES: "REACTIONS OF KETENE ACETALS-14. THE USE OF SIMPLE MIXED VINYLKETENE ACETALS IN THE ANNULATION OF QUINONES" XP002274458 Database accession no. 1985:131682 abstract & TETRAHEDRON, vol. 40, no. 18, 1984, pages 3455-3464		
	008	DOYLE M P ET AL: "CHIRAL CATALYST ENHANCEMENT OF DIASTEREOCONTROL FOR O@?H INSERTION REACTIONS OF STYRYL-AND PHENYLDIAZOACETATE ESTERS OF PANTOLACTONE" TETRAHEDRON LETTERS, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, vol.43, no. 34, 19 August 2002, pages 5929-5931, XP004373202; ISSN: 0040-4039		
	009	DAVIES H M L ET AL: "REGIOCHEMISTRY OF MOLYBDENUM-CATALYZED O-H INSERTIONS OF VINYL CARBENOIDS" TETRAHEDRON LETTERS, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, vol. 41, no. 25, June 2000, pages 4851-4854, XP004205669; ISSN: 0040-4039		
	010	Y. LANDAIS: "A STEREOSPECIFIC ACCESS TO ALLYLIC SYSTEMS USING RHODIUM (II)-VINYL CARBENOID INSERTION INTO Si-H, O-H AND N-H BONDS: J. ORG. CHEM., no. 62, 1997, PAGES 1630-1641, XP002274455		
	011	DATABASE CROSSFIRE BEILSTEIN 'ONLINE! BEILSTEIN INSTITUT ZUR FÖRDERUNG DER CHEMISCHEN WISSENSCHAFTEN, FRANKFURT AM MAIN, DE; JAROSZ SLAWOMIR: XP002274459; Database accession no. 3898752 abstract & TETRAHEDRON, vol. 38, no. 10, 1982, pages 1447-1452		
	012	DATABASE CROSSFIRE BEILSTEIN 'ONLINE! BEILSTEIN INSTITUT ZUR FÖRDERUNG DER CHEMISCHEN WISSENSCHAFTEN, FRANKFURT AM MAIN, DE; GUSS: XP002274460; Database accession no. 439330 abstract & J.A.C.S., no. 71, 1949		
	013	PATENT ABSTRACTS OF JAPAN vol. 2000, no. 26, July 1, 2002		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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